

CHAPTER NO. 968

SENATE BILL NO. 2582

By Herron, Dixon, Fowler, Williams

Substituted for: House Bill No. 3043

By McMillan

AN ACT To amend Tennessee Code Annotated, Title 37, Chapter 5 and Title 41, Chapter 21, relative to notification upon the release from custody of certain persons.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 21, Part 2, is amended by adding the following as a new section:

Section____. (a) The Department of Correction shall provide or contract with a private entity to provide to members of the public who have made a notification request, notification of the release of an inmate serving a felony sentence of two (2) or more years from a facility operated by or under contract with the department or from a county jail or workhouse. The jailer or chief administrator, or a person designated by the jailer or chief administrator, of a county jail or workhouse shall make available to the Department of Correction, or any private entity under contract with the department, the information necessary to implement this section in a timely manner. The Department of Correction or the private entity under contract with the department shall be responsible for retrieving the information and notifying the requester in accordance with regulations promulgated by the Department of Correction.

(b) The Department of Correction shall promulgate rules in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5, to implement the provisions of this section.

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 5, Part 1, is amended by adding the following as a new section:

Section____. (a)

(1) The Department of Children's Services shall provide or contract with a private entity to provide to members of the public who have made a notification request, notification of the release of a juvenile adjudicated to have committed a delinquent act that would constitute a felony if committed by an adult from a facility operated by or under contract with the department to home placement as defined in Tennessee Code Annotated, Section 37-1-102. The chief administrator, or a person designated by the chief administrator, of a facility operated under contract with the department shall make available to the Department of Children's Services, or any private entity under contract with the department, the information necessary to implement this section in a timely manner. The Department of Children's Services or the private entity under contract with the department shall be responsible for retrieving the information and notifying the requester in accordance with regulations promulgated by the Department of Children's Services.


(2) The department may refuse the notification request of a person if, on a case by case basis, it finds that notification of release is not in the best interests of the juvenile being released and that such notification may result in harm to the juvenile.

(b) The Department of Children's Services shall promulgate rules in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5, to implement the provisions of this section.

(c) Notwithstanding the provisions of Tennessee Code Annotated, Sections 37-1-145, 37-1-155 or 37-5-107 to the contrary, this section shall require the release of information relating to juveniles who have been adjudicated to have committed a delinquent act that would constitute a felony if committed by an adult. The release of information shall be limited to the extent necessary to comply with the provisions of this section.

SECTION 3. For the purpose of promulgating rules as required by Sections 1 and 2 of this act, this act shall take effect upon becoming a law, the public welfare requiring it. Full implementation of the notification program established by this act and full public access to such information shall take place by July 1, 1999.


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

PASSED: April 28, 1998

APPROVED this day of 1998

DON SUNDQUIST, GOVERNOR

Pursuant to Article III, Section 18, of the Constitution of the State of Tennessee, the Governor had Senate Bill No. 2582 in his possession longer than ten (10) days, so therefore the bill becomes law without the Governor's signature.